



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

MAY 30 2012

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Bernard Senser  
CycleMET, Inc.  
P. O. Box 9806  
Columbus, Ohio 43209

**Re: Finding of Violation**  
CycleMET, Inc.  
Columbus, Ohio

Dear Mr. Senser:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to CycleMET, Inc. (you). We find that you have violated the Clean Air Act (CAA), 42 U.S.C. § 7401 *et seq.*, specifically the regulations for the Protection of Stratospheric Ozone located at 40 C.F.R. Part 82, Subpart F, at your Columbus, Ohio facility. EPA promulgated these regulations as required by Section 608 of the CAA, 42 U.S.C. § 7671g.

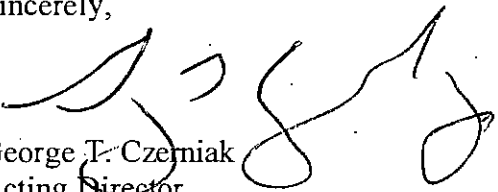
We have several enforcement options under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Natalie Topinka. You may contact her at 312-886-3853 or [topinka.natalie@epa.gov](mailto:topinka.natalie@epa.gov) to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



George T. Czerniak  
Acting Director  
Air and Radiation Division

Enclosure: SBREFA fact sheet

cc: Isaac Robinson, OEPA

1. In accordance with Section 608 of the CAA, 42 U.S.C. § 7671g, EPA promulgated regulations at 40 C.F.R. Part 82, Subpart F, applicable to recycling and emissions reductions of ozone-depleting substances. The purpose of the regulations is to reduce emissions of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances. 40 C.F.R. § 82.150(a).
2. Under 40 C.F.R. § 82.156(f), persons who take the final step in the disposal process (including but not limited to scrap recyclers and landfill operators) of a small appliance, room air conditioning unit, Motor Vehicle Air Conditioner (MVAC), or MVAC-like appliance are required to either:
  - a. Recover any remaining refrigerant from the appliance in accordance with specific procedures described in 40 C.F.R. § 82.156(g) or (h); or
  - b. Verify that the refrigerant has been evacuated from the appliance or shipment of appliances previously. Such verifications must include a signed statement from the person from whom the appliance or shipment of appliances is obtained that all refrigerant that had not leaked previously has been recovered from the appliance or shipment of appliances in accordance with 40 C.F.R. § 82.156(g) or (h). This statement must include the name and address of the person who recovered the refrigerant and the date the refrigerant was recovered or a contract that refrigerant will be removed prior to delivery. 40 C.F.R. § 82.156(f)(2). Any signed statements must be maintained on-site for a minimum of three years. 40 C.F.R. §§ 82.166(i) and (m).

### **Factual Background**

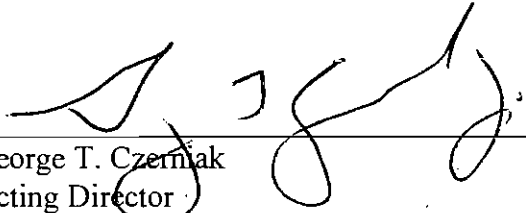
3. CycleMET owns and operates a scrap metal recycling facility (the facility) at 2405 Harrison Road, Columbus, Ohio.
4. On September 22, 2011, EPA conducted an inspection of the facility. During the inspection, Mr. Bernard Senser, President of CycleMET, stated that the facility had accepted appliances, or parts of appliances, that contained or at one time contained refrigerant, from heating, ventilation, and air conditioning (HVAC) companies, contractors, and members of the general public, prior to June 9, 2011, the date on which he attended a compliance assistance meeting presented by EPA staff and the Columbus Police Department.
5. Mr. Senser also stated during the September 22, 2011 inspection that after the June 9, 2011 compliance assistance meeting, CycleMET stopped accepting appliances from anyone but HVAC companies and contractors.
6. On October 31, 2011, under Section 114 of the CAA, 42 U.S.C. § 7414, EPA sent a Request for Information to CycleMET seeking information about the facility's compliance with the CAA. On December 22, 2011, CycleMET submitted a response to EPA. Because EPA was unable to access the information provided on the CD-ROM attached to the response, CycleMET supplemented its December 22, 2011 response with another CD-ROM containing the attachments on January 4, 2012.
7. In its December 22, 2011 response, CycleMET stated that it has not used recovery equipment to recover refrigerant from any appliances brought to the facility for recycling.
8. In its December 22, 2011 response, CycleMET indicated that prior to July 2011, it did not have contracts with or require written statements from its suppliers verifying that all refrigerant had been properly recovered prior to delivery of any appliances to the facility.

### **Finding of Violations**

9. Based on the information EPA gathered during the September 22, 2011 inspection and through the October 31, 2011 Request for Information, EPA finds that CycleMET has violated 40 C.F.R. § 82.156(f) by failing to recover refrigerant from appliances or to verify that refrigerant had been recovered from appliances prior to accepting them for recycling.

Date

5/30/12

  
George T. Czerniak  
Acting Director  
Air and Radiation Division

# CERTIFICATE OF MAILING

I, Loretta Shatta, certify that I sent a Finding of Violation, No. EPA-5-12-OH-17, by Certified Mail, Return Receipt Requested, to:

Bernard Senser  
CycleMET, Inc.  
P. O. Box 9806  
Columbus, OH 43209

I also certify that I sent copies of the Finding of Violation by first-class mail to:

J. Jeffrey McNealey  
Porter Wright Morris & Arthur LLP  
41 South High Street  
Suites 2800-3200  
Columbus, OH 43215

Isaac Robinson III, Manager  
Division of Air Pollution Control  
Ohio Environmental Protection Agency  
P.O. Box 1049  
Columbus, Ohio 43216-1049

On the 4 day of June, 2012

Doritta Shaffs  
Administrative Program Assistant  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 70091680000076675307